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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,083	02/14/2001	Tetsuro Motoyama	194538US-2	9825

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ALEXANDRIA, VA 22314

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,083

Applicant(s)

MOTOYAMA ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This action is in responses to Amendment filed on October 12, 2004. Applicant's arguments with respect to the rejection of claims 1-21, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made.

Information Disclosure Statement

2. The IDS received on October 12, 2004 has been considered.

On the IDS Paper No. 6, Form 1449 was missing. Applicant is requested to submit IDS Paper No. 6 again and the examiner will consider it.

Double Patenting

3. After further consideration, Examiner withdraws the double patenting rejection that was set forth in the last Office Action mailed on July 14, 2004.

Claim Rejections - 35 USC §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Choate**, U.S. Patent Application Publication No. **US 2001/0054026 A1**.

6. As to claims 1, 8 and 15, Choate teaches an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising the steps of:

receiving from a first one of the plurality of target applications through an interface, by a monitoring, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format ([FIG. 2, 0019]); and

sending, by a protocol processor, the first information to the first predetermined destination through the first communication protocol, wherein the protocol processor is configured to send data through a plurality of different communication protocols ([0015, 0019], the content may sent by means of different protocols.)

7. As to claim 2, 9 and 16, Choate teaches the method according to claim 1, wherein

the first data format includes one of text format, binary format, comma separated format XML format ([0015]).

the first communication protocol includes one of Simple Mail Transfer Protocol (SMTP), File Transfer Protocol (FTP) and local disk ([0015]).

8. As to claim 3, 10 and 17, Choate teaches the method according to claim 1, further comprising:

receiving from a second one of the plurality of target applications through the interface, by the monitoring device a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol ([FIG. 2, 0019]); and

sending, by the protocol processor, the second information to the second predetermined destination through the second communication protocol ([0015, 0019], the content may sent by means of different protocols.)

9. As to claim 4, 5, 11, 12, 18 and 19, Choate teaches the method according to claim 3 as discussed above. Choate teaches that the information may be transmitted using any suitable format or protocol ([0019]). Choate does not explicitly teach wherein the first data format and first communication protocol is different from the second data format and second communication protocol.

However, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that the formats and protocol will be different depending on where you are sending the information. If you are sending the information using e-mail you will utilize SMTP and the data format associated with it and if you are sending the information wirelessly you will utilize WAP and the data format that is associated with sending information wirelessly.

10. As to claim 7, 14 and 21 Choate teaches the method according to claim 6, wherein the step of executing the first definition includes one of

- saving the first information to a local disk,
- sending the first information to the first predetermined destination through SMTP using a text mail body format ([0015]),
- sending the first information to the first predetermined destination through SMTP using Multipurpose Internet Mail Extension,
- sending the first information to the first predetermined destination through FTP using a text file format, and
- sending the first information to the first predetermined destination through FTP using a binary file format.

Allowable Subject Matter

11. Claim 6, 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
May 15, 2005



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER